

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GREGORY GENE PHILLIPS,

Plaintiff,

v.

TIM SMALLS, et al.,

Defendants.


No. 3:20-CV-5047-RJB-DWC

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

The Court, having reviewed the Report and Recommendation of Magistrate Judge David W. Christel, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation (Dkt. 71).
- (2) Plaintiff's remaining claim for excessive force is dismissed without prejudice for failure to prosecute pursuant to Local Rules, W.D. Wash., LCR 41(b)(2).
- (3) Defendant's pending motions to re-open discovery (Dkt. 66) and to obtain jail records (Dkt 62) be denied without prejudice as moot.
- (4) The Clerk is directed to close the case, to enter judgment and to send copies of this Order to Plaintiff, counsel for Defendant, and to the Hon. David W. Christel.

DATED this 8th day of November, 2021.



ROBERT J. BRYAN
United States District Judge